

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY R ENGLISH,

Plaintiff,

v.

CLARK COUNTY JAIL, GARRY LUCAS,
JACKIE BATTIES,

Defendant.

CASE NO. C14-5328 RBL-JRC

ORDER ON PENDING MOTIONS

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

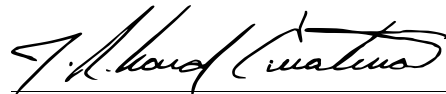
Currently before the Court are three motions filed by plaintiff (Dkt. 21, 24, and 25). Defendants have also filed a motion for summary judgment that is noted for consideration on January 23, 2015 (Dkt. 32). In the first of plaintiff's motions, plaintiff asks the Court to extend the discovery deadline in this action so that he can obtain medical records (Dkt. 21). Defendants respond to plaintiff's motion and state that plaintiff has obtained his medical records (Dkt. 23).

1 Defendants oppose extending discovery (Dkt. 22). Plaintiff did not reply to defendants'
2 response.

3 The Court has wide discretion regarding discovery and the standard of review is abuse of
4 discretion. *Wharton v. Calderon*, 127 F.3d 1201, 1205 (9th Cir. 1997). According to
5 defendants, plaintiff has his medical records. Plaintiff has not contradicted defendants'
6 assertions or stated that he needs records from any other source. Plaintiff fails to show good
7 cause for any extension of the discovery cutoff in this action. The Court denies plaintiff's
8 motion to extend discovery.

9 Plaintiff's second and third motions address affirmative defenses that defendants raise in
10 their motion for summary judgment (Dkt. 32). Plaintiff attempts to have the Court rule that these
11 affirmative defenses do not apply. A Magistrate Judge hearing an action by referral may not rule
12 on a dispositive motion and must instead issue a Report and Recommendation to the District
13 Court Judge. 28 U.S.C. § 636(b). A ruling against plaintiff on either of these motions would be
14 dispositive of this action. Accordingly, the Court will defer ruling on these two motions, and
15 address these issues in the Report and Recommendation on defendant's motion for summary
16 judgment that is noted for consideration on January 23, 2015.

17 Dated this 22nd day of January, 2015.

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20 J. Richard Creatura
21 United States Magistrate Judge
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